

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 22, 2004
SAN FRANCISCO, CALIFORNIA**

S126550

C043594 Third Appellate District

PEOPLE v. COTTLE

Petition for review granted

George, C.J., was absent and did not participate.
Votes: Brown, A.C.J., Kennard, Baxter,
Werdegarr, Chin and Moreno, JJ.

S127432G032739 Fourth Appellate District,
Division Three

GARCIA v. S.C. (CITY OF SANTA ANA)

Petition for review granted

Pending final disposition, the superior court's
order disclosing the public defender's
declaration filed under seal in Orange County
Superior Court, case number 02CF1970, entitled
People v. Jose Antonio Garcia, is hereby stayed.

George, C.J., was absent and did not participate.
Votes: Brown, A.C.J., Kennard, Baxter,
Werdegarr, Chin, and Moreno, JJ.

S126945B167799 Second Appellate District,
Division Three

H. (KRISTINE RENEE) v. R. (LISA ANN)

Issues ordered limited

Pursuant to Rule 29(a) of the California
Rules of Court, the parties are directed to brief
the following issues:

(1) Is the judgment establishing parental
rights issued September 8, 2000 invalid? Is the
judgment invalid because it was based upon a
stipulation? If so, is such stipulated judgment
void or voidable?

(2) If the judgment establishing parental
rights is invalid, may the superior court
nevertheless determine whether Lisa R. is the
parent of the child?

(3) May Family Code section 7611 be
applied in a gender-neutral fashion to determine
whether a parent-child relationship exists
between a woman and a child?

(4) May Lisa R. be determined to be a parent
of a child under cases such as *People v.*
Sorensen (1968) 68 Cal.2d 280 and *Johnson v.*

Calvert (1993) 5 Cal.4th 84 that consider a person's intention to cause the birth of the child?

(5) What impact, if any, will Family Code section 297.5, which will become effective on January 1, 2005, have on the issues in this case?

The order issued by the Court of Appeal on June 13, 2003 staying all proceedings in Los Angeles Superior Court case number PF001550, as modified by the order issued by the Court of Appeal on June 19, 2003 conferring jurisdiction upon the superior court for the limited purpose of determining Lisa R.'s interim right to visitation shall remain in effect pending the finality of proceedings in this court and thereafter as ordered by the Court of Appeal.

George, C.J., was absent and did not participate.

S126607

B162992 Second Appellate District,
Division Six

PEOPLE v. MIRANDA

Review granted/briefing deferred (rule 29.1)

Respondent's petitions for review
GRANTED.

Appellant's petition for review denied.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lopez*, S119294 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., was absent and did not participate.
Votes: Brown, A.C.J, Kennard, Baxter,
Werdegart, Chin, and Moreno, JJ.

S126333

F042199 Fifth Appellate District

PEOPLE v. HASTING

Petition for review granted; transferred to CA 5

Petition for review GRANTED.

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its decision and to

reconsider the cause in light of *People v. Britt* (2004) 32 Cal.4th 944. (Cal. Rules of Court, rule 29.3(d).)

George, C.J., was absent and did not participate.
Votes: Brown, A.C.J., Kennard, Werdegarr, Chin, and Moreno, JJ.

S112635

B152939 Second Appellate District,
Division Two

PEOPLE v. LEWIS

Dismissed per rule 29.3(b), and remanded to CA 2/2

George, C.J., was absent and did not participate.
Votes: Brown, A.C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S121712

B163472 Second Appellate District,
Division Five

PEOPLE v. JOHNSON

Transferred to CA 2/5 after hold

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its decision and to reconsider the cause in light of *People v. Mosby*, S104862 (2004) 33 Cal.4th 353. (Cal. Rules of Court, rule 29.3(d).)

George, C.J., was absent and did not participate.
Votes: Brown, A.C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S117002**MARSHALL (RYAN) ON H.C.**

Petition for writ of habeas corpus denied (AA)

Petition for writ of habeas corpus, filed on June 23, 2003, is denied on the merits.

George, C.J., was absent and did not participate.

S125181

C044931 Third Appellate District

DAJNOWSKI v. OHLRICH (CASCADE HOUSING)

Petition for writ of mandate/prohibition denied

George, C.J., was absent and did not participate.

S125653

E033880 Fourth Appellate District,
Division Two

FIRST SECURITY BANK v. CHASE MANHATTAN
MORTGAGE CORP.

Petition for review & publication request denied

George, C.J., was absent and did not participate.

S125961

A106310 First Appellate District,
Division Two

LEWIS (KEITH ALLEN) ON H.C.

Petition for review denied

George, C.J., was absent and did not participate.

S126004

A103835 First Appellate District,
Division One

PHYSICIANS COMMITTEE FOR RESPONSIBLE
MEDICINE v. TYSON FOODS INC.

Petition for review denied

Request to appear pro hac vice denied.

George, C.J., was absent and did not participate.

S126092

E036070 Fourth Appellate District,
Division Two

HAVERSTOCK (JAMES) ON H.C.

Petition for review denied

George, C.J., was absent and did not participate.
Brown, J., was recused and did not participate.

S126141

D042148 Fourth Appellate District,
Division One

PEOPLE v. MCHUGH

Petition for review & depublication request denied

George, C.J., was absent and did not participate.

S126153

B175378 Second Appellate District,
Division Two

LIEBB (STEPHEN) ON H.C.

Petition for review denied

George, C.J., was absent and did not participate.

S126198

B174873 Second Appellate District,
Division Six

ST. JOHNS MEDICAL CENTER v. WCAB; RIO
FARMS

Petition for review denied

George, C.J., was absent and did not participate.

S126229

B162560 Second Appellate District,
Division Seven

EDISON TEXTILES INC. v. TOPA INSURANCE CO.
Petition for review denied

George, C.J., was absent and did not participate.

S126244

D042260 Fourth Appellate District,
Division One

WASTE MANAGEMENT INC. v. S.C. (GUZMAN DE
PERALTA)
Petition for review denied

George, C.J., was absent and did not participate.

S126258

B176095 Second Appellate District,
Division One

PUGH (WILLIAM) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.
Brown, J., was recused and did not participate.

S126310

D044415 Fourth Appellate District,
Division One

MARTINEZ (MANUEL) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S126361

F042830 Fifth Appellate District

PEOPLE v. TOMLIN
Petition for review denied

George, C.J., was absent and did not participate.

S126393

H027420 Sixth Appellate District

ROLAND (CHARLES CLINTON) ON H.C.
Petition for review denied

George, C.J., was absent and did not participate.

S126403

B164512 Second Appellate District,
Division Three

PEOPLE v. FLORES
Petitions for review & publication request denied

George, C.J., was absent and did not participate.

S126435
F034897 Fifth Appellate District

PEOPLE v. HESTER
Petition for review denied

Baxter, J., is of the opinion the petition should
be granted.
George, C.J., was absent and did not participate.

S126440
G032626 Fourth Appellate District,
Division Three

PEOPLE v. JENKINS
Petition for review denied

George, C.J., was absent and did not participate.

S126473
F035120 Fifth Appellate District

PEOPLE v. HANKS
Petition for review denied

Baxter, J., is of the opinion the petition should
be granted.
George, C.J., was absent and did not participate.

S126484
B165117 Second Appellate District,
B169766 Division Seven

PEOPLE v. YOUNG
Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the
effect of *Blakely v. Washington* (2004) __
U.S. __ S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S126494
C042759 Third Appellate District

PEOPLE v. PESCADOR
Petition for review denied

George, C.J., was absent and did not participate.

S126531
C041274 Third Appellate District

PEOPLE v. JEFFERSON
Petition for review denied

George, C.J., was absent and did not participate.

S126533

G031952 Fourth Appellate District,
Division Three

GOLKA v. ELEGANT AWNINGS

Petition for review & publication request denied

George, C.J., was absent and did not participate.

S126579

F043088 Fifth Appellate District

PEOPLE v. RIVAS

Petition for review denied

George, C.J., was absent and did not participate.

S126593

D041452 Fourth Appellate District,
Division One

PEOPLE v. MULLENS

Petition for review & depublication request denied

George, C.J., was absent and did not participate.

S126624

G031735 Fourth Appellate District,
Division Three

PEOPLE v. NUNEZ

Petition for review denied

George, C.J., was absent and did not participate.

S126626

F042435 Fifth Appellate District

PEOPLE v. HOWTON

Petition for review denied

George, C.J., was absent and did not participate.

S126627

E035418 Fourth Appellate District,
Division Two

POSNER (DONNY ARIES) ON H.C.

Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion
the petition should be granted.

George, C.J., was absent and did not participate.

S126707

D042696 Fourth Appellate District,
Division One

PEOPLE v. KELLOGG

Petition for review denied

Kennard, J., and Chin, J., are of the opinion the
petition should be granted.

George, C.J., was absent and did not participate.

S126714

B165281 Second Appellate District,
Division Seven

PEOPLE v. WOODS

Petition for review denied; CA opinion decertified

The request for an order directing depublication of the opinion is granted. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed June 28, 2004, which appears at 119 Cal.App.4th 1117. (Cal. Const., art. VI, section 14; rule 976(c)(2), Cal. Rules of Court.)

George, C.J., was absent and did not participate.

S126728

G030612 Fourth Appellate District,
Division Three

PEOPLE v. LIDNER

Petition for review denied

George, C.J., was absent and did not participate.

S126763

B156320 Second Appellate District,
Division Two

PEOPLE v. NWANDU

Petition for review denied

George, C.J., was absent and did not participate.

S126776

F039938 Fifth Appellate District
F040280
F041430

SAN JOAQUIN COMMUNITY HOSPITAL v. SAN
JOAQUIN VALLEY MEDICAL GROUP

Petition for review denied

George, C.J., was absent and did not participate.

S126792

D041980 Fourth Appellate District,
Division One

SUMMERS v. MCCLANAHAN

Petition for review denied

Request for judicial notice denied.

George, C.J., was absent and did not participate.

S126805

A103942 First Appellate District,
Division Two

CORBETT v. HAYWARD DODGE INC.

Petition for review denied

George, C.J., was absent and did not participate.

S126812

G031546 Fourth Appellate District,
Division Three

ANTER v. BATI

Petition for review denied

George, C.J., was absent and did not participate.

S126838

A107105 First Appellate District,
Division Four

CONSUMER ACTION v. S.C. (WELLS FARGO
BANK)

Petition for review denied

Request for judicial notice denied.

George, C.J., was absent and did not participate.
Baxter, J., was recused and did not participate.

S126847

E034381 Fourth Appellate District,
Division Two

PEOPLE v. PEREZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S126873

B164083 Second Appellate District,
Division Eight

HUGHES ELECTRONICS CORP. v. CITIBANK
DELAWARE

Petition for review denied

George, C.J., was absent and did not participate.

S126880

D043210 Fourth Appellate District,
Division One

MASTERS v. GLASER

Petition for review denied

George, C.J., was absent and did not participate.

S126888

C044944 Third Appellate District

SMITH v. CITY OF NAPA

Petition for review denied

George, C.J., was absent and did not participate.

S126893
C045001 Third Appellate District

BANKS v. WILLIAMS
Petition for review denied

George, C.J., was absent and did not participate.

S126902
A106972 First Appellate District,
Division Three

WOOD v. APPELLATE DIVISION OF ALAMEDA
COUNTY S.C. (PEOPLE)
Petition for review denied

George, C.J., was absent and did not participate.

S126909
E033234 Fourth Appellate District,
Division Two

APLIN v. LAKE ELSINORE UNIFIED SCHOOL
DIST
Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion
the petition should be granted.
George, C.J., was absent and did not participate.

S126918
H025925 Sixth Appellate District

SHOCKLEY (EMMY L.), CONSERVATORSHIP OF
Petition for review denied

George, C.J., was absent and did not participate.

S126919
B168823 Second Appellate District,
Division Five

PEOPLE v. FINNEY
Petition for review denied

George, C.J., was absent and did not participate.

S126959
A107089 First Appellate District,
Division Four

GSCHWEND v. S.C. (MARKUS)
Petition for review denied

George, C.J., was absent and did not participate.

S126963
B158292 Second Appellate District,
Division Eight

PEOPLE v. SWAFFORD
Petition for review denied

George, C.J., was absent and did not participate.

S126976

D042801 Fourth Appellate District,
Division One

HOWARD JARVIS TAXPAYERS ASSOC. v. CITY
OF SAN DIEGO

Petitions for review denied

Request for judicial notice denied.

Baxter, J., is of the opinion the petition should
be granted.

George, C.J., was absent and did not participate.

S126979

E035336 Fourth Appellate District,
Division Two

D. (ANTHONY), IN RE

Petition for review denied

George, C.J., was absent and did not participate.

S126986

A100349 First Appellate District,

HANKE v. CALIFORNIA AUTO DEALERS EXCH
Petition for review denied

George, C.J., was absent and did not participate.

S126988

B175308 Second Appellate District,
Division Eight

VELTRUSKI v. COMPREMEX LLC

Petition for review denied

George, C.J., was absent and did not participate.

S127004

C043383 Third Appellate District

KOFI OPONG MENSAH v. STRACENER

Petition for review denied

George, C.J., was absent and did not participate.

S127008

E035002 Fourth Appellate District,
Division Two

SCHLAG v. JACK IN THE BOX

Petition for review denied

George, C.J., was absent and did not participate.

S127046

B165946 Second Appellate District,
Division Five

MARSHALL v. LAW OFFICES RICHARD TANZER

Petition for review denied

George, C.J., was absent and did not participate.

S127047

A103228 First Appellate District,
Division Five

BROOKS v. SCHICK

Petition for review denied

George, C.J., was absent and did not participate.

S127075

A102765 First Appellate District,
Division One

LI v. ERNEST (LAWRENCE LAB)

Petition for review & publication request denied

George, C.J., was absent and did not participate.

S127076

D042995 Fourth Appellate District,
Division One

BLACKBURN v. LANCER

Petition for review denied

George, C.J., was absent and did not participate.

S127081

F045473 Fifth Appellate District

S., (K) v. S.C. (FRESNO)

Petition for review denied

George, C.J., was absent and did not participate.

S127083

D043300 Fourth Appellate District,
Division One

N. (LOUIS), IN RE

Petition for review denied

George, C.J., was absent and did not participate.

S127089

B168020 Second Appellate District,
Division Two

PEOPLE v. BAKER

Petition for review denied

George, C.J., was absent and did not participate.

S127091

D042874 Fourth Appellate District,
Division One

PEOPLE v. SMITH

Petition for review denied

George, C.J., was absent and did not participate.

S127093

B167863 Second Appellate District,
Division Two

PEOPLE v. LEZAMA

Petition for review denied

George, C.J., was absent and did not participate.

S127104
H025511 Sixth Appellate District

PEOPLE v. CAHILL
Petition for review denied

George, C.J., was absent and did not participate.

S127109
B167240 Second Appellate District,
Division Two

PEOPLE v. NAVARRO
Petition for review denied

George, C.J., was absent and did not participate.

S127121
D043219 Fourth Appellate District,
D043580 Division One

S. (PETER), IN RE
Petition for review denied

George, C.J., was absent and did not participate.

S127124
B176276 Second Appellate District,
Division Four

MENENDEZ v. S.C. (PEOPLE)
Petition for review denied

George, C.J., was absent and did not participate.

S127129
F042145 Fifth Appellate District

PEOPLE v. SANDOVAL
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S127137
B170288 Second Appellate District,
Division Seven

PEOPLE v. SALDIVAR
Petition for review denied

George, C.J., was absent and did not participate.

S127140
F043192 Fifth Appellate District

PEOPLE v. JUAREZ
Petition for review denied

George, C.J., was absent and did not participate.

S127141

B171373 Second Appellate District,
Division Four

ROSE v. MALJANIAN

Petition for review denied

George, C.J., was absent and did not participate.

S127142

F042964 Fifth Appellate District

PEOPLE v. CONFORTI

Petition for review denied

George, C.J., was absent and did not participate.

S127145

B168268 Second Appellate District,
Division Five

PEOPLE v. KANG

Petition for review denied

George, C.J., was absent and did not participate.

S127146

B164041 Second Appellate District,
Division One

GARCIA v. D'AMBROSIO

Petition for review denied

George, C.J., was absent and did not participate.

S127149

A107243 First Appellate District,
Division Five

HA v. S.C. (RHODEN)

Petition for review denied

George, C.J., was absent and did not participate.

S127150

B161266 Second Appellate District,
Division Six

PEOPLE v. LARA

Petition for review denied

George, C.J., was absent and did not participate.

S127168

B168242 Second Appellate District,
Division Eight

PEOPLE v. VEGA

Petition for review denied

George, C.J., was absent and did not participate.

S127171

B176940 Second Appellate District,
Division Two

BORDERS v. S.C. (PEOPLE)

Petition for review denied

George, C.J., was absent and did not participate.

S127178B166763 Second Appellate District,
Division One

GFA INCORPORATED v. BOYNTON

Petition for review denied

George, C.J., was absent and did not participate.

S127187B176605 Second Appellate District,
Division Four

ELAM v. S.C. (PEOPLE)

Petition for review denied

George, C.J., was absent and did not participate.

S127189D041388 Fourth Appellate District,
Division One

PEOPLE v. WILLIAMS

Petition for review denied

George, C.J., was absent and did not participate.

S127191

C042862 Third Appellate District

P.(J.), IN RE

Petition for review denied

George, C.J., was absent and did not participate.

S127198

H026266 Sixth Appellate District

PEOPLE v. ESPINOZA

Petition for review denied

George, C.J., was absent and did not participate.

S127199

H025496 Sixth Appellate District

PEOPLE v. SWANGER

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S127202A099456 First Appellate District,
Division Five

PEOPLE v. CYRUS

Petition for review denied

George, C.J., was absent and did not participate.

S127205

A107050 First Appellate District,
Division Two

CORRIVEAU v. WCAB. (SAFEWAY STORES, INC.)
Petition for review denied

George, C.J., was absent and did not participate.

S127214

C045139 Third Appellate District

PEOPLE v. VELEZ
Petition for review denied

George, C.J., was absent and did not participate.

S127229

B168049 Second Appellate District,
Division Four

PEOPLE v. ROJO
Petition for review denied

George, C.J., was absent and did not participate.

S127232

C044690 Third Appellate District

PEOPLE v. KLOVACH
Petition for review denied

George, C.J., was absent and did not participate.

S127233

B168521 Second Appellate District,
Division Three

PEOPLE v. PEREZ
Petition for review denied

George, C.J., was absent and did not participate.

S127236

B175584 Second Appellate District,
Division Five

PEOPLE v. HALL
Petition for review denied

George, C.J., was absent and did not participate.

S127243

D042494 Fourth Appellate District,
Division One

D. (KENYELL), IN RE
Petition for review denied

George, C.J., was absent and did not participate.

S127252

G031296 Fourth Appellate District,
Division Three

PEOPLE v. LIAVAA
Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled

after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

S127259
C047503 Third Appellate District

PEOPLE v. STILLS
Petition for review denied

George, C.J., was absent and did not participate.

S127268
A104908 First Appellate District,
Division Two

COMEAU v. WCAB (SIEMENS BUILDING TECH)
Petition for review denied

George, C.J., was absent and did not participate.

S127292
A101811 First Appellate District,
Division Four

PEOPLE v. DIAZ
Petition for review denied

George, C.J., was absent and did not participate.

S127293
D042099 Fourth Appellate District,
Division One

PEOPLE v. DAVIS
Petition for review denied

George, C.J., was absent and did not participate.

S127474
G033597 Fourth Appellate District,
Division Three

MILLER v. S.C. (CITY OF COSTA MESA)
Petition for review denied

The stay order issued by this court on September 16, 2004 is dissolved.
George, C.J., was absent and did not participate.

S127636
H027799 Sixth Appellate District

DRONE v. S.C. (PEOPLE)
Petition for review and application for stay denied

George, C.J., was absent and did not participate.

S127781D044900 Fourth Appellate District,
Division One

YUMA, CITY OF v. S.C. (CRUZ)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

S127786B177778 Second Appellate District,
Division One

MONTGOMERY (MONICA DENISE) ON H.C.

Petition for review denied

George, C.J., was absent and did not participate.

S119276

BLUMBERG (PAUL C.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120464

LEMIEUX (GUY) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120496

MIRAMONTES (RODOLFO) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120553

KEEM (SUNNY BIG) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780)

George, C.J., was absent and did not participate.

S120565

ALVAREZ (RUDOLPHO) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120579

DAVIS (LEONARD G.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120630

MARTINEZ (RALPH) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120645

WILLIAMS (VIRGEL) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120656

WARREN (RANDY DAVID) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120693

JENNINGS (DESEAN J.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120765

SARINANA (ARMANDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; .)

George, C.J., was absent and did not participate.

S120851

JENKINS (EPHRAIM A.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120893

JAMES (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Lindley*
(1947) 29 Cal.2d 709; *In re Swain* (1949) 34

Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., was absent and did not participate.

S120927

BLACKMAN (KEVIN J.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120973

RAMIREZ-MORALES (GILDARDO) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120975

GOMEZ (JEFF) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

George, C.J., was absent and did not participate.

S120977

ROZENSKI (FRANK) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S120989

GULBRANDSON (EDUARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., was absent and did not participate.

S120993

MONTGOMERY (CLYDE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S121003

WILLIAMS (TRIVON) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121007

RODGERS (OTIS) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121011

CARR (CECIL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., was absent and did not participate.

S121013

LOBOS (EDWIN G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S121014

HUERTA (JOSE LUIS) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121016

MILLER (RUSSELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995)

9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S121021

SIMPSON (SHABONDY) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121026

TATE (DEREK) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121029

KLINGER (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S121041

NEVAREZ (UVALDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., was absent and did not participate.

S121072

NGUYEN (HUNG) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121080

COOK (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., was absent and did not participate.

S121087

BUTLER (BRETT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S121114

DIXON (TRADELL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S121116

QUINN (DAYTON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S121117

LEWIS (LORAN) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121122

JONES (GEOFFREY L.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S121125

MERCER (FRANK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304.)

George, C.J., was absent and did not participate.

S121174

SMITH (HOSEA) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

S124276

COOK (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S124598

RODGERS (OTIS) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S125045

DONET (WILLIAM J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S125086

WADDLE (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S125157

BELL (PAUL) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S125897

GOLDHAGEN (MONICA) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S127555

DAY (FRED ALLEN) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S127557

PADILLA (SALVADOR G.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S127559

TEEGARDEN (TIMOTHY R.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S127595

WALKER (RICHARD K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

George, C.J., was absent and did not participate.

S127618

EASON (HENRY) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., was absent and did not participate.

S127638

RODRIGUEZ (OMERO B.) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

S126586

E033374 Fourth Appellate District,
Division Two

PEOPLE v. GRAY
Publication request denied (case closed)

George, C.J., was absent and did not participate.

S126789

E036250 Fourth Appellate District,
Division Two

ESCANDON (STEVEN), IN RE
Time extended to grant or deny review

to November 1, 2004.

S126821

B176229 Second Appellate District,
Division Six

SEATON (MICHAEL) ON H.C.
Time extended to grant or deny review

to November 1, 2004

S126840

E036194 Fourth Appellate District,
Division Two

MURR (DAVID MICHAEL) ON H.C.
Time extended to grant or deny review

to November 2, 2004

S126966

H027077 Sixth Appellate District

McADAMS ON H.C.
Time extended to grant or deny review

to November 5, 2004.

S127029

F045589 Fifth Appellate District

LEON (CELSO) ON H.C.

Time extended to grant or deny review

to November 5, 2004.

S127116B176064 Second Appellate District,
Division Two

GARDNER (DARRYL T.) ON H.C.

Time extended to grant or deny review

to November 9, 2004.

S049743

PEOPLE v. YOUNG (CAROLINE)

Extension of time granted

to November 29, 2004 to file respondent's brief.

S123474A097749 First Appellate District,
Division Five

PEOPLE v. MCGEE

Time extended to granted

to October 16, 2004 to file appellant's answer
brief on the merits.**S124503**

C044625 Third Appellate District

PEOPLE v. SHELTON

Extension of time granted

to October 16, 2004 to file appellant's opening
brief on the merits.**S124828**B168200 Second Appellate District,
Division Eight

BENNIGSON v. ALSDORF

Extension of time granted

to October 18, 2004 for respondent to file the
answer brief on the merits.**S125236**B164649 Second Appellate District,
Division Four

PEOPLE v. CHACON

Extension of time granted

to October 11, 2004 for respondent to file the
opening brief on the merits. No further
extensions will be granted.

S126032

CORNWELL (GLENN) ON H.C.
Orders filed (2)

- (1) The Attorney General's "Request for Sealed Records Pursuant to Penal Code Section 987.9, Subdivision (d)," filed on August 26, 2004, is granted. The clerk is directed to provide a copy of the following materials from the record in *People v. Cornwell*, No. S046176, to the Attorney General:

1. Volume 1 of the Reporter's Augmented Transcript on Appeal, containing transcripts of hearings conducted on September 3, 1993 (page 1); September 23, 1993 (page 2); November 23, 1993 (page 3); December 9, 1993 (page 4); December 10, 1993 (page 5); February 1, 1994 (pages 6 through 13); March 16, 1994 (pages 14 through 19); March 18, 1994 (pages 20 through 21); March 21, 1994 (pages 22 through 24); June 7, 1994 (pages 25 through 30); June 13, 1994 (pages 31 through 33); September 27, 1994 (pages 34 through 35B); October 19, 1994 (pages 36 through 38); November 4, 1994 (pages 39 through 44); March 9, 1995 (pages 45 through 54); March 28, 1995 (pages 55 through 57); and May 8, 1995 (pages 58 through 70).

2. Volumes 1, 2 and 3 of the Clerk's Supplemental Transcript Under Penal Code section 987.9.

These records will remain under seal and the Attorney General is authorized to use them solely in the present proceeding.

George, C.J., was absent and did not participate.

- (2) Appellant's "Deutscher/Marsden Motion: Motion to Dismiss Appellate Counsel, Due to Ineffective Assistance of Appellate Counsel," filed on August 25, 2004, is denied.

George, C.J., was absent and did not participate.

S029550

PEOPLE v. HOLLOWAY (DUANE)
Motion denied

Defendant Duane Holloway's September 9,
2004 "Motion to Recall Remittitur" is denied.
George, C.J., was absent and did not participate.

S127831

BROWN v. S.C. (PEOPLE)
Transferred to CA 4/1

H027912 Sixth Appellate District

PEOPLE v. DANSER

The above-entitled matter, now pending in the
Court of Appeal, Sixth Appellate District, is
transferred to the Court of Appeal, First
Appellate District.

